

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X :

GARDEN CITY BOXING CLUB, INC. :

Plaintiff, :

-v- :

AMAZONAS RESTAURANT, INC., d/b/a
AMAZONAS RESTAURANT and GEREMIAS
DONES and WALTER GINN and NELLY
CAMPOVERDE, :

Defendants. :

-----X :

**ANSWER OF DEFENDANT
GEREMIAS DONES TO
CROSS-CLAIM**

Case No. 07 CIV. 4712
(Brieant)

Defendant, Geremias Dones, by her attorney, Barry R. Fertel, Esq., as and for her answer to the cross-claim of the defendants Amazonas Restaurant, Inc. d/b/a Amazonas Restaurant and Walter Ginn, states as follows:

1. Denies each and every allegation set forth in paragraphs “3”, “5” [sic], and “6”, of the cross-claims as alleged in the aforesaid answer.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

2. Each of the Cross-claims fails to state a claim upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

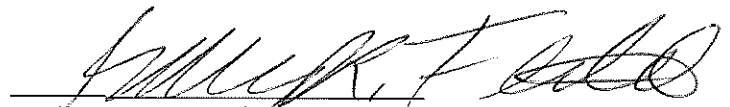
3. The contract of sale whereby Defendant Dones sold her interest in Amazonas Restaurant Inc., (“Amazonas”) contained no representations and warranties as to any potential or existing claims against Amazonas, nor did Dones indemnify the purchase of the shares for any claims against Amazonas. Accordingly, there is no basis for holding Dones liable as a former owner of the shares of Amazonas.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

4. Given the statutory basis of the plaintiff's claims herein, there is no legal basis for apportioning liability or fault by cross-claim.

WHEREFORE, defendant Geremias Dones demands judgment dismissing the cross-claim, together with costs and disbursements and reasonable attorney's fees.

Dated: August 31, 2007


Barry R. Fertel (BF 7364)
Attorney for Defendant Geremias Dones
270 North Avenue – Suite 711
New Rochelle, New York 10801
(914) 740-4346